



House Judiciary Committee
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Tuesday, April 22, 2025

Written Testimony in Support of SB 25-190

In 2021, the General Assembly overhauled Colorado’s special needs parole (SNP) statute with the goal of releasing geriatric and severely disabled individuals who do not pose a public safety risk and who are very costly to incarcerate. Nevertheless, Spero Justice Center continued to receive numerous reports and letters about individuals who were gravely or even terminally ill, had serious physical disabilities, and yet were deemed ineligible for SNP. Since 2021, far fewer people have been released than was projected. Two years ago, Spero began investigating why the SNP overhaul had not worked and representing applicants.

What we found is that the medical terms used in the statute were often impossible for doctors to apply. Very disabled individuals were overlooked because a chart review, conducted by a physician who wasn’t involved in patient care, did not capture their true condition. And many individuals were approved, but had no place to go and languished in prison infirmaries.

This bill replaces the medically inaccurate criteria in current law. For example, an individual under 55 must be “incapacitated” in order to meet the current medical standard. That term is not defined and has a completely different meaning to doctors, dealing with decision-making capacity and not physical ability.

SB 190 replaces medically inaccurate terminology like this with clear, objective standards that doctors are able to apply based on their training. Incapacitation is replaced with a single, well-defined medical standard that includes clear terms and examples. And the inapt term “incompetent,” which relates to an individual’s ability to participate in a legal defense against pending charges, is replaced with an objective “severe cognitive impairment” standard.

The bill also encourages treating doctors to make these determinations about the patients they care for. Many of the sickest people in DOC custody receive specialty care at facilities like Denver Health and Rocky Mountain Cancer Center. Under the bill, doctors at these facilities will screen their patients for SNP eligibility. Because treating physicians are already familiar with their patients’ conditions, they can make these decisions more accurately and more efficiently.

SB 25-190 does not throw away Colorado’s overarching SNP framework. As before, doctors are in charge of medical decisions, not safety ones, and the Parole Board makes public

safety decisions. What this important, tailored legislation ensures is that SNP medical decisions are made accurately based on clear, coherent standards by the doctors who know their patients best. I urge you to vote in support.

/s Dan Meyer

Dan Meyer

Litigation and Policy Director

Spero Justice Center